

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA.,

Plaintiff,

CASE NO. 07-20414

-vs-

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

D-1 GEOFFREY FIEGER,  
D-2 VERNON JOHNSON,

Defendants.

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**ORDER REGARDING ADDITIONAL DISCOVERY:**  
**HEARING ON MARCH 10, 2008**

On February 25, 2008, the Court heard oral argument regarding additional discovery on the issue of selective and vindictive prosecution. All parties submitted supplemental briefing and the Government provided declarations from some prosecutors, and other individuals involved with the investigation, specifically FBI Special Agent Jeffrey Rees and Nancy Simmons, an attorney with the Public Integrity Section of the Department of Justice.

In light of the supplemental evidence, oral argument, and Assistant United States Attorney Lynn Helland's remarks indicating the extent of AUSA Christopher Varner's involvement with the initial investigation of Defendants Fieger and Johnson, the Court has concluded that AUSA Varner has pertinent information related to the initiation of the investigation. (*See* Hearing Trans. 11/7/07 at 111-114, Helland & Plf. Supp. Br. Ex. E, Helland Decl. ¶¶ 9-12).

Accordingly, the Court orders that AUSA Varner appear at a hearing on March 10, 2008 at 2:00 p.m. to discuss his involvement with the instant case. Any questioning will be done by the Court, only.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: February 29, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 29, 2008.

s/Denise Goodine  
Case Manager